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**THE 1868-9 SELECT COMMITTEE ON PARLIAMENTARY AND
MUNICIPAL ELECTIONS: INSIGHTS INTO THE MID-VICTORIAN
ELECTORAL SYSTEM.**

by Justin Wasserman

A dissertation submitted as partial fulfilment of the requirements for the degree of

Bachelor of Arts (History) - Honours

Edith Cowan University

1996

Date of Submission: 8th November, 1996

USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.

Declaration

I certify that this dissertation does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any institution of higher education; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

8.10.96

Justin Wasserman.

Acknowledgments

I would like to thank my supervisor, Dr Ed Jaggard, for his patience and guidance throughout the year. His comments and suggestions were invaluable during the writing of this dissertation. He was able to show me the big picture whenever I was distracted with events and examples and his support is greatly appreciated.

I would also like to acknowledge the encouragement and prayers of family and friends, which supported me during the year, particularly during the latter stages of the preparation of this dissertation.

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Note on the Text

Unless otherwise stated the evidence used in this dissertation, drawn from the 1868 - 9 Select Committee Report, relates to events concerning the British General Election of 1868.

Introduction

The 1868-9 Select Committee on Parliamentary and Municipal Elections is most often referred to in the context of the Secret Ballot Act. However the Committee's terms of reference were much wider and encompassed a diverse range of issues relating to electoral procedure including: nomination procedure, election expenditure, the use of paid agents and canvassers, the multiplication of polling places, the use of public houses for committee rooms and the adoption of the ballot. The aim of this dissertation is not to trace the impact of the Select Committee Report on the passage of the Ballot Act, nor to draw a line between the inquiry's recommendations and future legislation on the issues that it addressed. Instead this study will analyse what the evidence taken by the Committee reveals about the state of elections and electioneering in England immediately after the Second Reform Act.

In 1868 175 English boroughs returned 263 members to the House of Commons.¹ The Select Committee in 1869 investigated 41 English boroughs which returned 71 members to parliament. As a percentage of the electorate the Committee survey accounted for 23% of the total number of English boroughs. Therefore the inquiry's findings are relevant to 15% of the English electoral system, and provide a valuable insight into the way in which elections were conducted in a not inconsiderable number of English constituencies in the post-reform period.

The Select Committee examined over 80 witnesses and produced more than 500 pages of evidence during its four month deliberation. Evidence was gathered from more than 40 constituencies across England and covered all aspects of electioneering, including the nomination ceremony, the return of election expenses, the use of public houses for

¹This figure does not include 10 London boroughs. Craig, F.W.S.(1977)., British Parliamentary Election Results 1832 - 1885, England; The Macmillan Press Ltd. p.630.

committee rooms and the use of paid agents or canvassers. The state of the law regarding electoral corruption was also examined with particular reference to issues such as bribery, treating, personation and intimidation. Witnesses included election agents, election judges, party agents, town councillors, experts on voting systems and members of parliament.²

The chairman, the Marquis of Hartington, prepared a draft report for the Committee's consideration in July 1869, however the lateness of the session prevented its presentation to parliament. It was not until February 1870 that the Select Committee was reappointed to consider its final Report. The members met five times between February and March. Predictably the Ballot proved to be the most divisive issue during the Committee's debates and the chairman's casting vote was needed to ensure the recommendation of secret voting after the Committee divided evenly across party lines. The Report was tabled in the Commons in March 1870 and revealed that some borough elections were characterised by bribery, corruption and intimidation.

The evidence relating to parliamentary elections revealed a considerable amount of corruption. The Committee's final Report stated that "both in former and in the last Elections various corrupt practices, of which bribery and treating were the chief, have prevailed, and to such an extent as to invalidate many Elections."³ Subsequent recommendations concerning parliamentary elections included: changes to the law regarding prosecutions for electoral corruption, alterations to the procedure of public nominations, the closure of public houses on the nomination and polling day, the multiplication of polling places and the adoption of the Ballot.

²O'Leary, C.(1962)., The Elimination of Corrupt Practices in British Elections 1868 - 1911. Oxford; The Clarendon Press. p.44.

³'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.5.

The Committee reported that at municipal elections "in many boroughs great corruption prevails...[and] a considerable class of voters will not vote unless they are paid."⁴ Bribery and treating were common occurrences according to the Report, and in many cases the polling day was attended by rioting and disorder. The Committee recommended that the law relating to the trial of parliamentary election petitions be adopted at municipal elections because "the present law for the avoidance of Municipal Elections, procured by corrupt practices, is insufficient and ineffective."⁵

The Committee's recommendations formed the basis of government legislation on the subject of electoral corruption only two months after the final Report was presented. The Parliamentary Elections Bill, introduced to the Commons on 9 May 1870, drew largely on the findings of the Committee, and included provision for the Ballot; the abolition of public nominations and the declaration of the poll; and a clause declaring that payments made by a candidate and not included in the return of his election expenses should be declared corrupt payments. However no second reading was ever taken on the Bill and it would be another two years before the recommendations of the Committee would be included in the provisions of the Parliamentary and Municipal Elections Bill.

Although the political influence of the select committee inquiry had begun to decline during the nineteenth century, the delay in the implementation of the 1868-9 Select Committee's recommendations was due rather to the extended parliamentary debates on the Ballot issue than to a diminishing cogency of its resolutions. Since the seventeenth century select committees, and committees of the whole house, had served

⁴Ibid., p.3.

⁵Ibid., p.4

Parliament as the chief machinery for "the preparation and examination of measures for legislative action."⁶ However the nineteenth century witnessed a marked increase in the use of the select committee and it became the primary tool of parliamentary inquiry. The increased use of this procedure also resulted in a growing body of criticism, during the century, aimed at the effectiveness of the committee process as a means of public inquiry.⁷ The increased popularity of the committee inquiry was prompted by a growing awareness, among members of parliament in the 1820's, of the importance of such investigations in the formulation of public policy initiatives. In their book Royal Commissions of Inquiry H.M.Clokier and J.W.Robinson state that "parliamentarians were awakening to the desirability and indeed to the necessity of the investigative function as a prelude to public legislative determination of policy."⁸

The result was a distinct increase in the utilisation of the select committee in the first thirty years after 1815. Whereas reports from committees that were selected for re-publication between 1715 and 1801 numbered only fifteen volumes, the next 33 years saw 543 reporting committees appointed, many of which produced more than one report.⁹ The following fifty years, after 1832, saw even more extensive use of this form of inquiry: by 1880 the average annual number of reporting committees being established was 44; before 1832 this number had been only 16.¹⁰ And yet the select committee was never completely institutionalised and remained as an *ad hoc* body -

⁶Clokier, H.M. and Robinson, J.W.(1937)., Royal Commissions of Inquiry, California; Stanford University Press. p.60.

⁷Ibid.

⁸Ibid., p.63.

⁹Ibid., p.62.

¹⁰Ibid., p.72.

appointed to inquire into any subject on which Parliament required information. As a result their composition and function varied and it was not until 1836, as the number of committees appointed each year continued to increase and it became necessary to perfect their procedure and method, that the Commons standardised their usage; membership was reduced from twenty-one to fifteen, and a quorum established to "transact business."¹¹ However by 1868 the number of members included in the Select Committee on Parliamentary and Municipal Elections had increased to twenty-three.

The diversity of committee inquiries and the value of their reports was recognised as early as 1825, when a committee investigation into Committee Rooms and Printed Papers, set up to organise the volumes of committee reports, stated that "In these Reports there is scarcely a subject connected with the Laws, Institutions, Commerce and Morals of the Country; but what will be found treated on."¹² The importance of such inquiries was reflected in the growing frequency of investigations into the publication of documents and the accessibility of their subject matter, as well as an increasing amount of discussion and criticism concerning the procedure of public inquiries and the willingness of parliamentarians to address the defects of the system to ensure its survival.¹³

Criticism of select committees focused on four areas of procedure; tenure, membership, jurisdiction and political manipulation. The first concerned the time frame of the committee's deliberation. It was believed that the sessional nature of the

¹¹McCord, N.(1993)., British History 1815 - 1906. Oxford; Oxford University Press. p.198.

¹²Clokie, et al., op cit., p.63.

¹³Ibid., p.63.

investigation resulted in a "superficial treatment of this issue...a failure to utilise the benefits of previous investigations, and complete uselessness of the procedure as the end of the session approached."¹⁴ The membership of the committees was criticised on the grounds that they were too large and 'inexpertly selected.' Whereas a Royal Commission could employ experts to assist in the investigation, the select committees were limited in their choice to members of Parliament.

The limited jurisdiction of the select committees provided further basis for criticism. As well as an inability to force the attendance of peers, committees were confined in their inquiries to the "precincts of Westminster Hall or, by special leave on rare occasions, to other parts of London."¹⁵ This meant that the inquiry relied on witnesses travelling to London to give evidence, or on documentary evidence supplied to the committee. Finally it was alleged that a government could use the committee process for political ends by "postponing action by satisfying the proponents of a policy with a promise on inquiry, the report of which might be several months off."¹⁶ The political manipulation of committees in the nineteenth century was apparently widely known. Norman McCord writes in his book British History 1815 - 1906 that such inquiries were amenable to control because "a determined MP who successfully proposed a select committee on an issue which interested him was in a strong position to pack the committee with sympathisers, tailor the witnesses and the evidence, and procure a report in accordance with his own views."¹⁷

¹⁴Ibid., p.64.

¹⁵Ibid., p.65.

¹⁶Ibid., p.64.

¹⁷McCord, N, op cit., p.197.

However the real extent of government control of select committees is debatable, especially when compared with the more obvious benefits of the royal commission for such purposes. As an agency of Crown authority the royal commission could only be appointed by the Ministry and could therefore be 'packed' to any level required. In contrast one of the disadvantages of the select committee process was that such an inquiry could be appointed on the recommendation of a private member of parliament. The investigation and subsequent report from such a proposal "could not but be regarded as something of a reflection on the government."¹⁸ Furthermore select committees were not always able to provide the necessary conditions for a government inquiry; namely, acceptable results where no issue of policy was involved, and desired results where government policy needed to be preceded by inquiry.¹⁹ However despite the fact that the political influence of the select committee began to decline during the nineteenth century, under pressure from the more authoritative and comprehensive royal commission reports, it remained as the most important form of parliamentary inquiry until the last decade of the century.

The novel electoral conditions created by the Second Reform Act and their influence on the 1868 general election certainly contributed to the decision, by the new Liberal Government, to initiate a parliamentary inquiry into electoral procedure. However, as will be seen, the appointment of the Select Committee in March 1869, to investigate the modes of conducting elections, owed as much to political opportunism as it did to the pervading spirit of reform.

¹⁸Ibid.

¹⁹Clokie, et al., op cit., p.74.

Chapter One

A reform of election procedure became inevitable during the wave of electoral reform which came over the country in 1867 and 1868; particularly after the great expansion of the electorate in 1867 and the realisation that even after 1868 "the actual control of votes belonged, in many cases, not to the electors, but to the influences higher up."¹ The sometimes disguised, sometimes overt forms of bribery and intimidation, which had failed to be controlled by the Corrupt Practices Act of 1853, and which had been so evident during the general election in 1868, demanded attention and the appointment of a parliamentary inquiry into the subject was hoped to "contribute to the formulation of a comprehensive reform of electoral machinery."²

The 'new democratic franchises' of Disraeli's Bill enfranchised almost one million new voters and increased the total size of the English and Welsh electorate by 88 per cent. The alterations to the householder franchise and the rate-paying system resulted in massive increases to the electoral register, most notably in the boroughs where the number of voters was more than doubled. The changes to the householder franchise alone created 750,000 new electors.³ The widening of the franchise in 1867 far exceeded that of 1832, which had only increased the size of the electorate by 40 per cent. The regularity of the suffrage introduced with the Second Reform Act was as important a change as the alterations to the householder franchise and the rate-

¹Seymour, C.(1970)., Electoral Reform in England and Wales 1832 - 1885, Great Britain; David and Charles Reprints. p.282.

²Kinzer, B.L.(1982)., The Ballot Question in Nineteenth Century English Politics., New York; Garland Publishing Inc. p.115.

³Ibid.

paying regulations, and although it did not equalise the suffrage in the counties and boroughs it did standardise the ratio of voters to population in each type of constituency.⁴ The great expansion of the electorate also included many who were vulnerable to the pressures of bribery and intimidation, and "the exercise of influence was naturally marked in the election following immediately upon the 1867 Reform Act, when large numbers of working men voted for the first time but under the old conditions of open voting."⁵

The widening of the franchise received its greatest criticism from the House of Lords. The Duke of Argyll foresaw the "swamping of the constituencies by the mere power of numbers" while the majority of peers "predicted an increase of electoral corruption as a result of the extension of the franchise to the classes most open to temptation."⁶ Certainly the figures added to the electoral register were impressive if not uniform. In some constituencies such as Finsbury, Lambeth and Tower Hamlets the number of new electors was comparatively small, whereas many of the industrial centres witnessed spectacular rises. In Birmingham the register was tripled and in Leeds the number increased four-fold.⁷ In the north-east there were tremendous increases in the size of the urban electorate. In Newcastle the number of voters rose from 7,500 in 1865 to 18,600 in 1868, and in Sunderland the electorate jumped from 3,200 to 11,500 in the same period.⁸

⁴*Ibid.*, p.281.

⁵Pugh, M.(1982)., The Making of Modern British Politics 1867 - 1939., England; Basil Blackwell Publishers Ltd. p.13.

⁶Seymour, *op.cit.*, p.277.

⁷*Ibid.*, p.283.

⁸Nossiter, T.J.(1975)., Influence, Opinion and Political Idioms: Case Studies from the North East 1832 - 1874., Hassocks; Harvester Press. p.39.

The electoral campaign of 1868 was intense as both parties strived to capture the new working class vote. In 1869 the Home Secretary referred to the "long agony which preceded the General Election,"⁹ and the Mayor of Staleybridge spoke of the borough being "under a perfect reign of terror," during a campaign which lasted from August to November.¹⁰ After the relatively quiet elections of 1857, 1859 and 1865 rioting and open intimidation were prominent features of the 1868 campaign. In North Durham the contest lasted six months and was described thus, "only one elector died on this particular battlefield, but Armageddon could hardly have been more bitterly fought."¹¹ In that constituency one man was killed by a stone and another set on fire during a tumultuous polling day. A Liberal election meeting in Nottingham in November 1868 was disrupted after a number of men who had been thrown out for fighting, scattered cayenne pepper on the floor, and caused the proceedings to be "carried on amid a perfect chorus of sneezing and coughing."¹² However such relatively harmless pranks such as this gave way to more serious disruptions as the polling day drew nearer. In Leicester windows were smashed and groups of police patrolled the streets to prevent a riot on the polling day; In Blackburn a serious riot erupted during one of the municipal ward elections between groups of men armed with "sticks, and some with pieces of iron,"¹³ and a local school had to be used as a

⁹Hansard 3, Vol.194, 4 March 1869. col.650.

¹⁰O'Leary, C.(1962)., The Elimination of Corrupt Practices in British Elections 1868 - 1911., Oxford; The Clarendon Press. p.60.

¹¹Nossiter, op.cit., p.79.

¹²The Times, 2 September 1868. p.7.

¹³Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.132.

makeshift hospital to treat the wounded; At Staleybridge the Liberal candidate was attacked by a mob of between 70 and 100 youths as he travelled the constituency and "he was assaulted in his carriage; the carriage windows were smashed, and considerable damage done."¹⁴ The declaration of the poll in South Leicestershire resulted in stones being thrown at the successful candidates Pell and Curzon, and both were forced to flee for their safety.¹⁵

Many of the newly enfranchised electors proved themselves to be no less susceptible to the temptations of bribery and the pressures of intimidation. Certainly the widespread press reports of bribery, treating and intimidation, as well as the increase in election expenditure, bear testament to the efforts of election agents to capture the new votes and the willingness of a not inconsiderable number of new voters to accept, and in some cases to demand, payment for their votes. Although unreliable and grossly underestimated, the official election returns provide some indication of the increase in the levels of election expenditure. In 1865 the official expenses were listed as £752,000, whereas in 1868 this figure had reached £1,383,255.¹⁶ In North Durham alone £27,000 or £3 per voter was spent.¹⁷ In Westminster £10,596 was officially spent, and in Manchester the expenses totalled £13,596.¹⁸ These figures can be put into perspective when it is understood that the average election expenses for a candidate in an English borough in 1868 came to

¹⁴*Ibid.*, p.161.

¹⁵*The Times*, 27 November 1868. p.5.

¹⁶O'Leary, *op cit.*, p.56.

¹⁷Nossiter, *op cit.*, p.79.

¹⁸*Hansard* 3, Vol.194, 4 March 1869. col.650.

£988.¹⁹ In many cases such spectacular expenses were linked to treating or bribery or both, especially in the smaller boroughs where "the legitimate cost of a seat should not have been large [and] the amount expended proved generally a true norm and test of the amount of corruption."²⁰ The election for the borough of Bradford was declared void after it was petitioned against in 1868. The independent Liberal candidate Henry Ripley spent over £7,000 on 'refreshments' at 115 public houses, for "any one who enrolled themselves as 'committee men'."²¹

The Times reported numerous incidences of electoral corruption such as the proceedings of an election petition trial in Hereford, where bribes were alleged to have been paid in the street. John O'Hare denied that he had been paid two sovereigns to vote by an agent of the candidate Mr Garrold, until a witness testified that she had seen the transaction take place outside O'Hare's house.²² In the same article there was further evidence of open bribery;

The next case of bribery gone into was that of Edward Morris, who it was alleged had been bribed with money. The witnesses in this case were Edwin Davis and John Probert, who stood at a stable door and saw William Russell in the street give Morris a card and pull something from his coat pocket which he offered him. Morris

¹⁹Hanham, H.J.(1978)., Elections and Party Management - Politics in the Time of Disraeli and Gladstone Sussex; The Harvester Press. p.251.

²⁰Seymour, op.cit., p.441.

²¹Hanham, op.cit., p.263.

²²The Times, 11 March 1869. p.7.

smiled and shook his head, on which Russell gave him some silver, and said to Morris, 'Go and poll at once.'²³

The result of the general election, which saw the Liberals increase their majority in 1865 by 15 seats, was followed by a flood of election petitions from across the country. A total of 101 petitions were presented; 34 of which came from English and Welsh boroughs.²⁴ The number of elections found to be void or undue reached 22; an increase from 16 in 1865. The total number of petitions presented had not been equalled since 1852 when 122 petitions were brought forward.

The excesses of 1868 certainly caused the new Liberal Government a "good deal of heart searching between the final results in November and the opening of the new Parliament in January,"²⁵ and the Speech from the Throne in 1869 recommended the appointment of a committee investigation into the whole conduct of electioneering. However moves had been made towards such an inquiry before the end of 1868, and were the result of political expedience as much as a response to the need for electoral reform. In November of that year John Bright had written to Gladstone concerning his possible inclusion in the new cabinet. Bright had championed the cause of parliamentary reform for nearly two decades, and his stance on the question of voting by secret ballot and the increased significance of the issue in 1868 had enhanced his influence in the House of Commons. For his part Gladstone was anxious to gain the backing of Bright in cabinet for his support over the Irish land issue. In the letter

²³Ibid.

²⁴O'Leary, op.cit., p.47.

²⁵Kinzer, op.cit., p.42.

Bright spoke of the "corruption-bribery-compulsion and tumult of this General Election [that] have probably never been exceeded -- the whole country is disgraced...I should like to have an earnest enquiry into the whole matter and manner of our Elections, in the hope that some complete remedy may be found."²⁶ Without placing conditions on his support Bright left no doubt as to what he expected in return; namely Gladstone's support for changes to what Bright referred to as "the barbarous system of open nominations and open voting."²⁷

Gladstone was able to concede such issues to Bright without too great difficulty as his own opinion of the voting by secret ballot had for many years been characterised by indifference. He had never participated in the many debates on the issue in the Commons between 1833 and 1868. He indicated his readiness to accept Bright's proposal for an inquiry in December 1868 in an address to his constituents at Greenwich, "The occurrences which have marked the recent elections...ought to form the subject of a searching and impartial inquiry."²⁸ Furthermore Gladstone could not have failed to be influenced by press reports of corruption, bribery and rioting, as well as his own defeat at the south-west Lancashire election. Also Gladstone must have realised that "the long-standing evils of English elections were now affecting a greatly expanded electorate which included, among those recently enfranchised, many who were highly vulnerable to the temptations of bribery and the victimisation of coercion."²⁹ Finally, in a meeting between the two men in December it is thought that

²⁶*Ibid.*, p.100.

²⁷*Ibid.*

²⁸*Ibid.*, p.100.

²⁹*Ibid.*, p.101.

Bright elicited some form of commitment on the issue from the prime minister. Certainly Bright was confident of Gladstone's support when he spoke to his constituents at Birmingham and told them that "the adoption of the Ballot is not only proper, but inevitable."³⁰ The motion for a select committee inquiry was duly made in March 1869, and although it was ostensibly appointed to investigate possible remedies for the electoral evils that plagued the English system, the Ballot issue was at the core of the inquiry and dominated the committee's investigation.

The Home Secretary, H.A.Bruce moved the appointment of a select committee inquiry into electoral procedure on 4 March 1869. His speech in the House of Commons focused on many of the evils which had long plagued the electoral system and which had been so prominent in the recent general election. Bruce spoke of a 'national taint' of corruption which included bribery, treating, intimidation, excessive expenditure and canvassing. Bright's influence in the new cabinet was clearly evident in Bruce's attention to the questions of public nominations, the declaration of the poll and secret voting; issues that Bright had raised in his letter to Gladstone in November 1868. Bruce further questioned the necessity of traditional election ceremonies such as the public nomination and the hourly declaration of the poll; both of which "excited the electors inordinately" and in some cases resulted in violence and rioting. Bruce concluded his speech by stating that, "I have to ask the House to appoint a select committee with the object - I avow it openly - of inquiring whether a system of secret voting cannot be devised which will bring security, freedom and independence to the elector."³¹ The Conservatives provided their qualified support for the committee proposal, with Gathorne Hardy voicing the Opposition's concern over the possible bias

³⁰Ibid.

³¹Hansard 3, Vol.194, 4 March 1869. col.656-7.

of the inquiry, "we are perfectly prepared to adhere; but it must not be taken that we consent to this being made in any sense a one-sided inquiry."³² Hardy was referring to the issue of secret voting as it was believed that the committee was merely a smokescreen to justify future Government legislation. Bruce's attention to the Ballot question concerned Hardy who commented that the Home Secretary's convictions on the issue "have now attained a strength and a permanence which leave no doubt almost as to what effect any evidence which may be obtained on that subject hereafter will have on his mind."³³

Gladstone moved to assure the Conservatives that his government had no agenda regarding the Ballot question. He pointed out that the changes to the way in which elections were conducted as a result of the enlargement of the franchise in 1867, provided the Government with an opportunity to examine the whole subject of election procedure. In no uncertain terms he ruled out the possibility that the ballot question would form the primary focus of the inquiry, and stated that "it would be a mistake to suppose that the inquiries of this Committee are intended, so far as we are concerned, to be confined to the matter of secret voting, or that the Government...proposes this Committee with any view to a foregone conclusion."³⁴ However on this last point at least the prime minister was not being entirely truthful. Cabinet minutes in November 1869, five months prior to the final Report of the Select Committee, reveal that Bright and Hartington were "involved in the preparation of an Elections Bill incorporating ballot provisions,"³⁵ and which drew heavily on the:

³²*Ibid.*, col.659.

³³*Ibid.*, col.660.

³⁴*Ibid.*

³⁵Kinzer, *op cit.*, p.114.

findings of the Committee. For the moment however, Gladstone assured the Tories that all aspects of election procedure, including election expenses, the use of public houses for committee rooms, the use of paid agents and canvassers, the multiplication of polling places, the law regarding prosecutions for electoral corruption, the nomination and declaration of the poll and secret voting would come under the scrutiny of the Select Committee. Consequently the motion was passed and the 1868-9 Select Committee was appointed to inquire into "the present mode of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity and freedom."³⁶

The membership of the Committee was elected on 16 March 1869 and was made up of members from all parties. The Liberal members included, Bright, Sir George Grey, C.P.Villiers, H.R.Brand, S.Whitbread, E.A.Leatham, J.Locke, The O'Connor Don, R.Dalglish and H.James. The Conservative members comprised G.Hardy, G.W.Hunt, Sir Frederick Heygate, R.A.Cross, H.C.Raikes, A.Stavely Hill, W.H.Smith, S.R.Graves, Sir Michael Hicks Beach and E.Howes. A Liberal, the Marquis of Hartington, was the chairman. However on 19 March Henry Fawcett, an 'advanced' Liberal, and Edward Egerton, a Conservative were added to the membership after Liberal dissatisfaction with the composition of the Committee. The total membership then reached 23.³⁷ Eight of the ten Liberals on the Committee had previously supported the Ballot. Brand had long abstained from voting on the issue, but was expected to follow Gladstone's direction on the matter. Sir George Grey had once supported secret voting, but had recently voted against it. Not one Conservative

³⁶Hansard 3, Vol.194, 4 March 1869. col.648.

³⁷Kinzer, op.cit., p.120.

on the Committee had ever supported the introduction of the Ballot. The Final Report of the Select Committee was tabled in the Commons on 15 March 1870 and included recommendations on a number of matters regarding electoral procedure. With regard to parliamentary elections a number of proposals were made concerning the system of open nominations, the employment of paid agents and canvassers, the use of public houses for committee rooms, the closure of public houses on the polling day, the multiplication of polling places, the use of voting papers and the adoption of the Ballot. At municipal elections the recommendations concerned the recovery of penalties, changes to the law relating to prosecution for electoral corruption and the proposal to adopt secret voting. For the purposes of this study the Committee's evidence concerning four electoral issues will be analysed, and will include the nomination procedure, electoral expenses, the law regarding electoral corruption and the use of public houses for committee rooms. The information collected by the Committee concerning these issues provides an insight into the manner in which electoral politics were being conducted in a significant number of boroughs in England immediately after the Second Reform Act.

Chapter Two

1

The excitement which is produced at a nomination is such that, for the rest of the day, all those who take an active part in the election do nothing else but endeavour to make good the work of the morrow, and they do it in a variety of ways ... Men commit very indiscreet acts in their desire to serve their party.¹

In his speech for the appointment of the Select Committee in March 1869, H.A.Bruce questioned the necessity of public nominations, and referred the House of Commons to the example of Australia where personal nominations had been replaced by that of nomination by papers, and the result was "a state of tranquillity which, as compared with our own election scenes, I may describe as truly enviable."² The Home Secretary was referring in particular to the nomination of candidates at parliamentary elections, as the procedure of nomination by papers was already in operation at the municipal level. However the Select Committee examined the procedure of both parliamentary and municipal nominations, and the evidence relating to the former will be examined here first.

The public nomination at parliamentary elections occupied a central role during the election campaign and acted as a form of electoral denouement prior to the polling day. The ceremony was a popular event in nineteenth-century England and could

¹'Report from the Select Committee on Parliamentary and Municipal Elections,' *Parliamentary Papers*, 1868-9, VIII. p.80.

²*Hansard* 3, Vol.194, 4 March 1869. col.654.

attract enormous crowds. James Vernon described the nomination day as the most significant event during an election, providing the local elite with an opportunity to display themselves prominently as well as allowing the disenfranchised the chance to participate in the political life of the nation.³ He writes that, "the sense of mounting tension generated by this ritual unfolding of the campaign, not to mention the other innumerable speeches, dinners and processions, reached a crescendo, with the construction of the hustings in preparation for the nomination."⁴ Evidence brought before the Select Committee also revealed that in some cases the nomination day also served to intensify the efforts, both legal and illegal, of a legion of party agents and canvassers on behalf of their candidates. The nomination was usually conducted in a central position in the town and consisted of several speeches by the proposed candidates before a show of hands decided the contest. In the nineteenth-century the procedure had become largely redundant and was commonly regarded as a meaningless farce. This was especially true of the larger constituencies where the nomination could draw crowds in excess of 50,000 people, making it impossible for a speech to be heard by all except those who stood close to the hustings. The Select Committee investigated a number of issues relating to parliamentary nominations including; the public disorder which attended many nominations; the increase of expense and corruption due to the nomination; the uselessness of the procedure because of the noise of the crowd and the inability of the show of hands to accurately decide the contest.

³Vernon, J.(1993)., Politics and the People: A Study in English Political Culture.. Great Britain; Cambridge University Press. pp.91-102.

⁴Ibid. p.158.

The Select Committee found that in many constituencies there was a general opinion in favour of abolishing the nomination day, and replacing it with the system in operation at municipal elections, where the nomination papers had replaced a public ceremony. A witness from Liverpool declared that "on the days of nomination there are often very unseemly sights indeed, and they would be far better done away with."⁵ In his study of English political culture in the nineteenth-century James Vernon states that the nomination day provided the disenfranchised with an opportunity to participate in the political machinery of the country by intimidating, either verbally or physically, their 'enfranchised neighbours.' He described the event thus, "As each candidate appeared on the hustings they were cheered or booed by different sections of the audience, like prize fight boxers entering the ring. This dialogue of heckle and counter-heckle, chant and counter-chant, continued throughout the nomination."⁶

Evidence emerged from the Committee's investigation to show that the noise and behaviour of crowds at the nomination often meant that a candidate's address was completely inaudible. During the general election of 1868 an estimated 70,000 people gathered for the nomination at Bradford, making it impossible for one person on the hustings to make himself heard. Furthermore, the ceremony turned violent when fighting broke out between rival supporters in the crowd. A witness from Bradford testified that "the result was a perfect state of riot and stone throwing, and we had really no show of hands."⁷ In Warrington in the same year the nomination was attended by a crowd of about 6,000 people who, by continually cheering or booing,

⁵ Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.110.

⁶Vernon, op.cit., p.90.

⁷ Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.113.

rendered the proceedings completely inaudible. The candidates were forced to address themselves almost solely to the reporters in front of the hustings.⁸ A witness from Warrington further testified that he had never experienced a peaceful nomination. A member of the Liberal Central Committee in Bristol spoke of the hiring of mobs of men who intimidated electors on the polling day and the nomination day, where they "give a hearing only to those people for whose side they are hired."⁹ James Kirk from Staleybridge stated that open nominations should be abolished because;

It affords an opportunity for tumult; the day of the nomination very frequently is rougher than the day of the election. The working people leave their employment...and all the rest of the day is spent very frequently in drinking at public houses, and before the close of the evening the town .. becomes very much excited.¹⁰

Certainly the nomination appeared to act in some cases as a trigger for electoral violence and corruption, and generally to increase the expense of the election. In Blackburn a serious riot began at the nomination where a large crowd had gathered. Henry Davies, a publisher and librarian in Cheltenham, in evidence to the Select Committee stated that open nominations "are the source of great corruption...I believe that the principal part of what is called illegal proceedings...takes place after the

⁸*Ibid.*, p.53.

⁹*Ibid.*, p.221.

¹⁰*Ibid.*, p.161.

nomination, when the parties are in a state of excitement, and are induced to do things which are improper."¹¹

An example of the way in which corruption increased as a result of the nomination day is evident in the practice, in some boroughs, of paying working men a day's wages for their attendance at the ceremony. Evidence from Blackburn showed that the practice of paying such 'compensation' was not uncommon at both parliamentary and municipal elections. A cotton manufacturer from Blackburn, Frank Johnston, stated that the nomination day resulted in the loss of wages to the workmen, and a loss of business to the manufacturers and employers, and agreed that payment for the loss of a day's wages was 'occasionally done, but it is by no means general.'¹² In Leeds, where the public nomination was described as 'tranquilly conducted', the opinion was in favour of abolishing the procedure because of the expense it incurred. A witness from Leeds stated that 'it stops all business for that day, and that is a very serious thing for a large town like ours; the working men lose a day's pay, and perhaps spend another day or two's pay, in addition.'¹³ As a result of such payments a large number of electors in Blackburn had become completely corrupted. At the municipal elections it was estimated that 90 per cent. of 7,600 electors were paid for their votes. In Leeds the Committee was told that the municipal contests could cost between £100 and £1,000, and bribes were estimated at between 1s and £1.

By the nineteenth century the parliamentary nomination was generally regarded as a farce. The noise of the crowds often meant that the proceedings were completely worthless. At Leeds the nomination was described as a 'dumb show,' and a witness

¹¹*Ibid.*, p.150.

¹²*Ibid.*, p.120.

¹³*Ibid.*, p.66.

testified that "I have generally been upon the hustings, and at the last occasion I only stood a very short distance from Mr Graves, but I could not hear all that he said in his address."¹⁴ Apart from the noise and disorder of the crowds, the show of hands was described by a contemporary election agent as "a worthless expense. Inasmuch as all present may hold up their hands and each lift, not one hand alone, but both, and non electors, and even women and children, take part in the display."¹⁵ Indeed evidence emerged from the Select Committee which revealed that the show of hands was confusing and misleading at best. Henry Bleckly from Warrington referred to the nomination in 1868 and stated that "the majority was declared in favour of Mr Rylands...I think it was disputed; but then, it is so difficult that it is impossible to judge."¹⁶

Despite a widespread view that the nomination was worthless and that the show of hands was "an unmeaning farce, in no way showing the true strength of parties, and therefore, influencing no one vote for or against any candidate,"¹⁷ there was some evidence to show that parties attempted to influence the outcome of the ceremony. Indeed James Vernon writes that, "It was believed that those who got a good majority when the show of hands was demanded by the returning officer were in a fair way of receiving a majority of votes on the day of election."¹⁸ There was some evidence of this

¹⁴Ibid., p.80.

¹⁵Hanham, H.J.(1972)., Charles R.Dod: Electoral Facts 1832 - 1853., England; The Harvester Press. p.lxi.

¹⁶'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.53.

¹⁷Hanham, op cit., p.lxi.

¹⁸Vernon, op cit., p.91.

gathered from Blackburn where a witness testified that both parties exerted themselves to ensure that they won the show of hands, and "all the works are stopped, and, as a rule, assemblages take place at the works of the various work people, and they go from there to the space in front of the hustings."¹⁹

The investigation by the Select Committee also revealed widespread dissatisfaction with the nomination procedure at municipal elections, where some form of alteration was desired to prevent the incidence of fictitious nominations. In some constituencies the nomination of a candidate merely to increase expenses, to provoke a contest or just for annoyance was not uncommon. In Nottingham it appeared that the nomination of candidates without their consent was a consistent occurrence, especially as the proposers were not liable for any expense when nominating a candidate;

It is a common practice at Nottingham, that persons will assemble in the evening of the day [of nomination] at a public house, to talk over these matters, and they will send down for a lot of nomination papers , and for the sake of either a lark, or if there is not likely to be an opposition, to get up an opposition, they will nominate persons without their consent.²⁰

In Nottingham the expenses of the polling places fell on the town at municipal

¹⁹'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.129.

²⁰Ibid., p.2.

elections, whereas the responsibility of printing and sending out voting papers lay with the candidate. In the case of a fictitious nomination, then, the legitimate candidate was still bound to print and distribute papers throughout the constituency, creating needless expense. Such a system was obviously open to abuse. In Nottingham the nomination was further degraded because of "the kind of persons who are nominated...they select persons in such positions in the town as brings perfect ridicule upon the whole matter, and they are often nominated for that purpose."²¹

In Bradford evidence emerged that in some cases people were nominated by others who had no intention of sending them to the polls. In one ward of that borough a man had been successively nominated for four years without one vote ever being recorded for him. As a result it was stated that "it throws expense upon the borough; the polling booth has to be opened, the alderman of the ward has to preside with his assessor...and it also puts the opposing candidates, who are legitimate candidates, to a great deal of expense."²² Similar evidence emerged at the parliamentary nomination in Cheltenham, where a Conservative candidate was nominated even though there was no time to canvass the constituency, and only to ensure that there was a contest. The Mayor of Bradford stated that "at municipal elections there is nothing whatever to prevent nominations purely to cause an expenditure."²³

After deliberating for four months the Marquis of Hartington submitted a draft report for the Committee's consideration. The report highlighted the occurrence of riotous behaviour on the nomination day at parliamentary elections, which in some cases

²¹*Ibid.*, p.3.

²²*Ibid.*, p.112.

²³*Ibid.*, p.117.

interfered with the freedom of the election. A recommendation was made to abolish the practice of open nominations because "the opinion seems to be very general that public nominations, as they are now generally conducted, are both useless and mischievous."²⁴ However the report was not tabled in the House of Commons due to the lateness of the session and the Select Committee was adjourned until the following year. The final report was presented to Parliament on 15 March 1870 and included some minor alterations. During the Committee's final deliberation the Conservatives, with the help of Liberal Sir George Grey, had vetoed any recommendation of the abolition of public nominations.²⁵ The Conservatives had argued against the discontinuance of the procedure because it would "tend to fetter the free choice of the electors, and would deprive a candidate of an opportunity of setting himself right with a constituency in the event of mis-statements as to his opinions."²⁶ The Select Committee concluded that in the majority of cases the nomination was conducted in an orderly manner, and where there was no contest, the entire proceedings were concluded and the member returned on the day of the nomination.

However there was a great deal of evidence taken by the Select Committee to reveal that during an election campaign there were ample opportunities for a candidate to address his constituents, without having to resort to the nomination day. Both parties commonly held public meetings at which their candidates were able to make their opinions known. The Mayor of Staleybridge testified that "there were two or

²⁴*Ibid.*, p.xvii.

²⁵Kinzer, B.L.(1982)., The Ballot Question in Nineteenth Century English Politics., New York; Garland Publishing Inc. p.128.

²⁶'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.6-7.

three mixed meetings held by the Liberal party, and there were several mixed meetings held by the Conservative party."²⁷ In Warrington the candidates "issued addresses and hold meetings, and do a variety of things which enable the constituency to form an opinion as to their political views."²⁸ A witness from Cheltenham stated that the public nomination had been "instituted when there was no opportunity of knowing otherwise what the sentiments of a Member of Parliament were, which are now known through other channels."²⁹ Obviously the nomination day speeches did not provide the only opportunity for a candidate to espouse his political platform. James Vernon writes that, "Perhaps the most important political uses of the spoken word were the speeches that peppered the political life of every locality. They were delivered from any available platform, at all times of the day and night, whenever and wherever an audience could be found."³⁰

Ultimately the Select Committee however made no recommendation to abolish the nomination, and the procedure would remain until the Secret Ballot Act in 1872. Charles Seymour writes of the effect of that legislation, "The excitement and riots which had characterised the open nomination and polling were largely eliminated, and the factor of violence disappeared almost entirely from electoral contests."³¹

²⁷ Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.161.

²⁸Ibid., p.54.

²⁹Ibid., p.150.

³⁰Vernon, op cit., p.117.

³¹Seymour, C.(1970)., Electoral Reform in England and Wales 1832 - 1885., England; David and Charles Reprints. p.432.

II

The following November, which was last November [1868] in the same ward, not more than 200 had polled at 12 o'clock; 2s. 6d. was then offered, the place was at once besieged, the price rose to 5s., and at four o'clock 900 had polled ; the effect of this is, that a great many of the respectable voters will not poll at all; they consider that the results of those contests is simply this, that those who give the most money win, and therefore they abstain from voting.³²

Whereas Commons' debates relating to the Select Committee's evidence on parliamentary and municipal nominations were slight, the evidence and recommendations concerning the issue of election expenses were to occupy the House for the next two years after 1870. The Hartington Committee's investigation into election expenditure revealed a great deal of evidence relating to corruption in the form of bribery and treating. The final report of the Committee included a number of conclusions regarding the subject of expenses including; that in many cases the returns made by agents for parliamentary expenses were a complete farce; that a great deal of corrupt expenditure was not returned and escaped detection; and that a large proportion of the expenses of elections were due to the efforts of paid agents and canvassers. Information was also gathered which revealed a corrupt link between municipal and parliamentary elections in some constituencies. Further evidence from

³² 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.2.

the election petition judges Samuel Martin, James Willes and Colin Blackburn revealed that during the petition trials the witnesses had no means of estimating a candidate's expenditure beyond the official return, and that the practice prevailed in some cases of holding back accounts until after the election petition was over, in order to conceal corrupt payments.

The Select Committee examined two separate issues connected with election expenditure. The first concerned the payment of official election expenses which were the responsibility of the candidate and which included the cost of polling booths, the use of buildings to conduct the poll and the fees of the returning officer and poll clerks. The Committee focused on whether the candidate or the electorate should bear the burdens of these costs. It was an important issue as it was considered the payment of such fees restricted the candidature of intelligent men who lacked the means to pay them. The second issue related to corrupt and excessive payments and the evidence gathered by the Committee concerning these expenses will be considered in this study. Parliamentary returns commonly concealed corrupt payments under headings such as conveyance of voters, committee-rooms and postal expenses. Charles Seymour wrote that "such large sums were expended for legitimate purposes that it was easy to scatter extra payments here and there for the purpose of corruption."³³

Prior to the 1883 Corrupt Practices Act there was no legal limit to election expenditure and in the boroughs the amount of money spent during a campaign corresponded closely to the size of the electorate, as well as the 'political morality' of the constituency. In 1853 a Corrupt Practices Act had provided for the scrutiny of election returns by a system of auditors, however the inability of the auditors to establish a limit on expenditure and the inefficiency of their procedure resulted in their

³³Seymour, *op cit.*, p.230.

office being abolished in 1863. The scrutiny was resumed by the returning officer, although there was no improvement in the situation and the true nature of accounts continued to be falsified. Indeed the government's objectives in setting a limit to election expenditure in 1883 were to "check corrupt practices [and] to encourage men of small means to come forward as candidates."³⁴

Therefore a candidate's expenses at an election were made up of the 'official costs' which were primarily administrative, and the 'election expenses proper' which encompassed all other payments incurred during the campaign. In 1868 the average fee charged by a returning officer at a borough election was £98, and the average election expenses per candidate were approximately £988.³⁵ The official election returns were notoriously inaccurate and in many cases grossly underestimated. H.A.Bruce had stated to the House of Commons in March 1869 that "the admitted expenditure at the General Election of 1865 was no less than £752,000; and I believe that £1,000,000 would be far from defraying the actual expenses."³⁶ Hanham places the total cost of the 1868 general election close to £1,500,000, of which approximately £92,000 was made up of the fees of the returning officers.³⁷ However the election returns were widely believed to be inaccurate, and in many cases the amount expended far exceeded the legitimate needs of the contest. Charles Seymour writes that "it is a matter of common knowledge that in many boroughs complete accounts were never furnished to the auditors."³⁸ A witness from Windsor stated to the Committee that "at

³⁴Hanham, *op cit.*, p.246.

³⁵*Ibid.*, p.250-251.

³⁶*Hansard* 3, Vol.194, 4 March 1869. col.649.

³⁷Hanham, *op cit.*, p.250.

³⁸Seymour, *op cit.*, p.409.

Parliamentary elections now the only figures that are returned are of those sums which have been paid; and I have no hesitation in saying...that I am confident that many of those returns made by agents for Parliamentary expenses, are a farce, and that the expenditure is far in excess of the amount returned."³⁹ One of the election petition judges, Sir Colin Blackburn, gave evidence to the Committee and stated that "I have not the smallest doubt that there is a great deal of corrupt expenditure that escapes detection."⁴⁰ Evidence from Bradford referred to the incidence of fictitious returns of expenses. A witness from Bristol testified that at the parliamentary election of Sir Morton Peto, £5,013 had been the official figure returned, although the witness believed that closer to £13,000 was expended.

On this matter the Select Committee concluded that "the present provision of the law which requires a return of the expenses of candidates is insufficient for its purpose, and fails in many cases to secure a full statement of such expenses."⁴¹ Certainly there were indications that in some cases the payment of expenses were suspended during an election petition to ensure that no evidence of corruption emerged. Henry Darvill stated to the Committee that "I believe, first, that the amounts paid are not sent in, and secondly that a large number of accounts are kept in suspense, and are afterwards discharged, and are never returned at all."⁴² Evidence relating to

³⁹'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.24.

⁴⁰Ibid., p.511.

⁴¹'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.7.

⁴²'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.36.

the election at Bewdley in 1868 revealed that an election agent had refused to return all election expenses until the day after the petition was over because "they would furnish evidence upon the trial."⁴³ The expenses in this case included a bill for £80 at a public-house which the election petition judge declared "had been purposely kept back in order that there might not be any evidence of it."⁴⁴

The final report of the Select Committee declared that "we think that any payment made by a candidate, or his agent, on account of the election, and not included in the return of his election expenses, should be declared a corrupt payment."⁴⁵ This recommendation referred to the fact that in many cases excessive expenditure could be linked to bribery and treating, and that large sums of money were corruptly expended by paid agents and canvassers on behalf of their candidates. In this matter the election petition judges were "hindered by the complicated state of the law of agency,"⁴⁶ and the number of petitions in 1868 which succeeded in establishing a direct link between the corrupt actions of a candidate and his agent was small. However the Select Committee was provided with the certificates and reports from 31 English petitions which had resulted from the 1868 general election, and which included 9 elections found void due to corrupt practices by agents.⁴⁷ One further case, from Staleybridge, was declared void although the petition judge was unable to

⁴³Ibid., p.511.

⁴⁴Ibid.

⁴⁵ 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.7.

⁴⁶ Seymour, op cit., p.411.

⁴⁷ 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. pp.560-579.

determine agency.

At Hereford City the election of George Clive and John Wyllie was declared void because by their agents they were found guilty of treating. Serjeant Cox lost his election at Taunton because his agents were found guilty of "distributing 5s. each to a large number of voters...in order to induce them to vote for [him]."⁴⁸ Similar evidence was gathered from Bridgewater and Bewdley where the candidates were found guilty of corruption due to the actions of their agents.

Many examples of corruption were presented to the Committee including bribery, personation, intimidation and treating. At Windsor it appeared that a corrupt system of 'annual gratuities' had been in place for many years for the purpose of influencing the parliamentary and municipal elections. In the same borough there emerged evidence that one person had bought 130 small cottages "simply for electioneering purposes, either to bribe or intimidate the people," and that in fact 26 had in fact been evicted since the election in 1868.⁴⁹ The Mayor of Ashton-under-Lyne testified that both Liberals and Conservatives had been guilty of treating at the municipal elections, and that a large number of public-houses and beer-houses had been 'engaged' by the Conservative party. In Liverpool it appeared that corruption entirely decided the contest, and that an estimated 20 per cent. of the municipal electorate, which numbered 553, could be bought by either side. In 1865 the witness stated that "we had a great contest...and there was as high as £5 paid for a vote in the municipal election."⁵⁰ The Liberal party had decided not to contest elections at which

⁴⁸ Report from the Select Committee on Parliamentary and Municipal Elections,' *Parliamentary Papers*, 1868-9, VIII. p.576.

⁴⁹ *Ibid.*, p.26.

⁵⁰ *Ibid.*, p.69.

corrupt practices were continued, and that party had not won an election in Liverpool since 1865.

A great deal of evidence was taken by the Select Committee concerning corrupt links between parliamentary and municipal elections. In a number of cases it appeared that corrupt payments were made at the municipal election in order to influence the parliamentary contest, as it was generally believed that the law concerning corrupt practices was far stricter regarding parliamentary elections. At Liverpool a witness believed that the municipal contest had been corrupted for the purpose of influencing the parliamentary election, and stated that;

Parties whom I have spoken to on the last election, on being asked how they were going to vote, said that they were going to vote for the people who gave them money; I said, "There is no money to be given on this occasion, it is a very dangerous thing" ; and the reply was, "If we get money every November we shall give our votes to those who give us money in November."⁵¹

In Cheltenham there was a very strong political feeling at the municipal elections, and a great deal of corruption in the form of treating, personation and intimidation prevailed. A witness from Cheltenham, Henry Davies, testified to a 'connection' between the municipal contest in the autumn of 1868 and the following parliamentary election, and at the former there had been extensive corruption "in the shape of beer

⁵¹*Ibid.*, p.82.

tickets."⁵² In Bradford an increase in the practice of treating and corruption at municipal elections was blamed on the introduction of a political element to the borough, which was introduced into those proceedings for the purpose of influencing the parliamentary election. A witness from Bradford testified that there was "a general feeling that they can do anything at the municipal elections; they can bribe and treat, and are not responsible for anything of that sort...I have no doubt great influence was brought to bear upon the Parliamentary election which had to take place a fortnight afterwards."⁵³

Similar evidence emerged from Staleybridge where excessive treating at the municipal election was linked to the parliamentary contest. In such cases the bribery and treating ceased during the interval between the municipal and the parliamentary election in order that "when the time for the municipal election was over, the Parliamentary law being very strict they appeared to wish it to take the form that this was done for municipal purposes only."⁵⁴ Evidence from Liverpool revealed that parliamentary votes were purchased during the municipal campaign, particularly amongst the newly enfranchised parliamentary voters. The Secretary to the Liberal Committee in Liverpool testified that in such cases "if he [the voter] was secured at the municipal election, they had him quite right for the Parliamentary election."⁵⁵ Regarding the link between parliamentary and municipal elections the Select

⁵² 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.27.

⁵³ 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.112.

⁵⁴ Ibid., p.90.

⁵⁵ Ibid., p.71.

Committee concluded that "In some cases the corrupt influences which are at work in a Municipal Election are made use of with a view of influencing the Parliamentary Elections, which in the case of the [1868] General Election, followed the former almost immediately,"⁵⁶

In contrast to the issue of parliamentary nominations the subject of election expenses was not resolved with the passage of the Secret Ballot Act. Although a clause regarding corrupt payments made by agents was included in the first reading of the Parliamentary and Municipal Elections Bill in May 1870⁵⁷, no second reading was ever taken on that bill. Much of the Commons' debates relating to election expenditure between 1870 and 1872 were concerned primarily with the payment of the official election expenses, and it was not until "the revelation of the extent to which corrupt practices had prevailed at the general election of 1880 made essential the drafting of a new Corrupt Practices Act; [that] it became clear...that the Act must include provision for the restriction of election expenditure."⁵⁸ The Corrupt Practices Act included a limit to expense based on the number of electors in the constituency, increased the severity of penalties, refined the scrutiny of election accounts and limited the number of employees allowed per candidate. The latter ensuring that "Paid canvassing, which had offered a ready cover to indirect bribery, was...eliminated."⁵⁹

⁵⁶Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.3.

⁵⁷Hansard 3. Vol.201, 9 May 1870. col.444.

⁵⁸Hanham, op.cit., p.245-6.

⁵⁹Seymour, op.cit., p.443-444.

III

You sued for the penalty of 40s. against a member of the town council? — We took this member of our town council into the county court, believing that we should have a perfect remedy there; but the only thing we got was the conviction and the penalty of 40s., and he still retains his seat, very much to our annoyance.⁶⁰

Some of the evidence presented to the Select Committee concerning electoral law has been included in previous sections of this chapter including evidence which dealt with the state of the law of agency, and the inadequacy of municipal law compared to parliamentary law. However the Committee also gathered a great deal of evidence concerning prosecutions for electoral corruption at municipal elections, and that subject will provide the main focus of this chapter, although some evidence concerning parliamentary elections will be covered.

Both the draft and final reports of the Select Committee referred to the matter of legal proceedings against corruption at municipal elections. In 1870 the Committee concluded that there were "insufficient means afforded by the law for the detection or punishment of corrupt practices at municipal elections," and recommended changes to the procedure of 'recovering penalties' for electoral corruption. The Committee also proposed the establishment of a special tribunal - such as existed for the trial of parliamentary election petitions - to determine the validity of municipal contests.

⁶⁰ 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.61.

The evidence collected by the Select Committee included three areas of concern including: unfavourable public opinion towards the operation of the law, the expense of litigation and the cumbrous or difficult nature of the law. The Select Committee found that proceedings by indictment to punish corruption were 'very infrequent' and that there "appears to be a want of a sufficient stimulus or motive to induce any one to incur the odium which would result from an attempt to put the law in operation."⁶¹ The Municipal Elections Act of 1859⁶² punished bribery as a misdemeanour at Common Law, and could impose a fine of 40s. for each offence if the proceedings were taken to the County Court. Furthermore the only method of challenging a councillor's seat was by obsolete *Quo Warranto* proceedings in the Court of Queen's Bench⁶³, and it was believed that no municipal election had ever been 'invalidated' by such a process. The Committee concluded that "it may be safely asserted that in many boroughs the existence of corrupt practices is notorious; but the cases in which proceedings under the Act have been taken are very rare, and the result of such proceedings has not been such as to encourage their more general adoption."⁶⁴

Certainly it was revealed that public opinion was unfavourable towards the exercise of the law. Indeed the Mayor of Bradford testified that he found the law "almost too severe [and] it seems to go rather too far, and the consequence is, that no one likes to come forward and prosecute."⁶⁵ In Windsor no steps had ever been taken

⁶¹*Ibid.*, p.xvi.

⁶²Act 22 Vict., c.35

⁶³Hanham, *op.cit.*, p.275.

⁶⁴'Report of the Select Committee on Parliamentary and Municipal Elections,' *Parliamentary Papers*, 1868-9, VIII. p.xvi.

⁶⁵*Ibid.*, p.116.

to put the law into force and the Town Clerk described such actions as 'uncivil'. He further stated that;

I can only say this, that after a municipal election, and the battle is fought, the people are all very friendly together, and forget it all in about a week; and if a person were to disturb the peace of the town by entering into litigation, I think he would be unpopular.⁶⁶

Similar feelings were evident at the parliamentary level. At Staleybridge proceedings against two men in 1868 for intimidation ceased after the prosecution won the election. The witness stated that "the parties taking the proceedings having won the Parliamentary election withdrew the prosecution because they did not want to carry on any ill feeling, or be revenged upon the men for what they had done."⁶⁷

In Blackburn no action had ever been taken to put the law into force concerning corruption at municipal elections, and a witness testified that "Both parties are equally to blame, and I suppose they object to commence legal proceedings the one against the other."⁶⁸ A town councillor from Bradford suggested the appointment of a public prosecutor, as a means of avoiding the "unpopularity attaching to the raking up of charges."⁶⁹ He also criticised the operation of the law which rarely

⁶⁶*Ibid.*, p.38.

⁶⁷*Ibid.*, p.90.

⁶⁸*Ibid.*, p.125

⁶⁹ Report from the Select Committee on Parliamentary and Municipal Elections, 'Parliamentary Papers, 1870, VI. p.4

succeeded in obtaining a conviction, particularly with regard to personation. He concluded that "unfortunately, it seldom ever results in punishment. A man is brought before the magistrates, and perhaps he is remanded for a few days, and the excitement of the election having passed over there is no earnestness in his prosecution; the absence of a public prosecutor perhaps may account for that."⁷⁰

In some cases proceedings at municipal elections had been abandoned due to the expenses involved. H.J.Hanham wrote that "in practice electoral corruption had gone unchecked at municipal elections as the forty-shilling fine was difficult to obtain, and the cost of preparing evidence was prohibitive."⁷¹ In Liverpool the likely expense of the prosecution ended an inquiry into municipal corruption, and the secretary to the Liberal central committee, Thomas Trippier, stated that "We have had some very clear cases where we could have proved bribery directly, where we have had corroborative evidence [however]...we thought that the general expense in getting up the prosecution would be considerable, and that has deterred us from proceeding with it."⁷² In Leeds the prosecution of a corrupt councillor was abandoned after the expense of the matter reached £200. It was then discovered that only a criminal prosecution could unseat him, a course which would necessitate further expense. A town councillor stated that "We had already incurred a cost of, I think, of some £200., which was done by individual effort, and that was a thing which we did not like to repeat very often in consequence of the cost."⁷³

⁷⁰ Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.113.

⁷¹ Hanham, op.cit., p.275.

⁷² Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.71.

⁷³ Ibid., p.61.

The evidence further revealed that in some cases the law was not put into action regarding electoral corruption because of a belief that the law was too difficult to manage. In Ashton-under-Lyne a witness declared that no proceedings had been taken to put the law into force at either municipal or parliamentary elections because he was "not fond of law sufficiently for that."⁷⁴ And in Leeds an attempt to gather evidence concerning corruption by a councillor ceased after the respondent threatened legal action. The witness from Leeds further stated that "we had a good deal of trouble in collecting evidence."⁷⁵

In Nottingham no proceedings had ever been taken against corruption because the law was felt to be "altogether too difficult and too cumbrous for working," and the Mayor stated that "It has been considered very difficult, and it would be a very unpopular thing, and the expense would fall upon the prosecuting party."⁷⁶ In some cases even the obtaining of a conviction did not ensure the eradication of corruption. In Leeds a conviction had been obtained at the county court against a councillor for corruption in 1865, however the man paid the fine of 40s. and remained on the town council. It further appeared that the result of the prosecution was that corruption actually increased in the borough, and the witness from Leeds stated that "afterwards instead of checking bribery and corruption, this man's triumph over those who had tried to convict him and turn him out of the corporation, I think, had a tendency rather to increase the evil."⁷⁷

⁷⁴*Ibid.*, p.104.

⁷⁵*Ibid.*, p.61.

⁷⁶*Ibid.*, p.7.

⁷⁷*Ibid.*, p.61.

The Select Committee made two final recommendations concerning the state of the law at municipal elections. The first included the adoption of a 'more simple' form of procedure for the prosecution of persons for corruption, and the Committee recommended the County Court. Secondly the Committee proposed that the "same law be applied to corrupt practices at municipal elections as at Parliamentary elections."⁷⁸ The latter designed to counter the lack of an effective tribunal for municipal petitions. The Committee could not recommend the appointment of a public prosecutor because the cost of such a move would be borne by the borough. The recommendations of the Select Committee relating to electoral law were embodied in the terms of the 1872 Secret Ballot Act and the Municipal Elections Act of the same year, and provided for "a special tribunal to try municipal election petitions."⁷⁹ H.J.Hanham writes that the "subsidiary provisions of [these Acts]....were of greater significance because they struck at the roots of electoral corruption."⁸⁰ Certainly the evidence collected by the Select Committee revealed that in many cases before 1872 the state of the law at municipal elections provided a safe haven for the proponents of electoral corruption. Indeed the 1872 Act was able to 'check corruption' in that it provided, at the municipal level, a more effective prosecution of corruption, and enabled "the pure section of a borough such as Leeds, where only one or two wards were corrupt, to take action against the corrupt minority."⁸¹

⁷⁸Ibid., p.62.

⁷⁹Hanham, op cit., p.275.

⁸⁰Ibid.

⁸¹Ibid., p.275.

IV

My impression is, that all elections would be more quietly conducted, and there would be less turmoil and strife and less corruption, if public-houses were closed on the day of the election....but it would be very unpopular...with the great mass of those men who like beer, and there are a great many of those men.

The Hartington Committee's inquiry revealed that at both parliamentary and municipal elections a great deal of corruption existed, of which bribery and treating were the most prominent. The Committee concluded that in some instances the bribery took the form of 'payment by drink tickets' rather than money, and that in many cases an election was the scene of a considerable amount of drinking which was described as 'demoralising to the town.'

Certainly the evidence brought before the Select Committee revealed the central role played by the public-house or beer-house during an election campaign. As well as providing a venue for party meetings and committee-rooms the public house was, in many cases, an important focal point for the distribution of corrupt payments. The Committee further concluded that "In a much larger class of cases it is asserted that an Election is invariably accompanied by a great amount of drinking, followed by disorder, which, if not serious, is at least discreditable to the town."⁸² As a result the Committee proposed that at parliamentary elections the use of rooms in public-houses for meetings or committee-rooms should be prohibited by law, and that public-houses

⁸² 'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.xvi-xvii.

should be closed on the nomination day and the polling day. Certainly in Bradford party meetings were commonly held in public-houses where beer was given freely 'in the way of refreshments'. A witness from Bradford stated that "of course there were committee meetings at various public-houses, and I daresay there would be a very generous hospitality; but the same thing occurred on both sides."⁸³

In Liverpool the committee-rooms of the Conservatives were at a public-house called the 'Pontack Inn', which was situated 'only three or four doors' from the polling booth. A Liberal campaign employee during the election testified that "one of our committee-men followed them [voters] to that house, and observed them come out with a sovereign in their hands."⁸⁴ A witness from Leeds described 'those open to bribery' at the municipal election as including small shopkeepers and lodging-house keepers, while at Norwich the voters who were bribed were workmen or 'labourers for daily wages.' Charles Seymour wrote that "it was too much to expect that the labourer would refuse a drink...when the offer was placed before him,"⁸⁵ however it appeared that in many cases the labourer would pursue payment for his vote, no matter which side was prepared to pay. The Secretary to the Liberal Committee in Liverpool stated that their rooms were besieged by voters and that "people came to us continually, saying either, 'Give us a ticket for drink', or 'What are you going to give us?'"⁸⁶ A witness testified that on the polling day in Norwich the workmen and

⁸³*Ibid.*, p.111.

⁸⁴*Ibid.*, p.70.

⁸⁵Seymour, *op.cit.*, p.420.

⁸⁶'Report from the Select Committee on Parliamentary and Municipal Elections,' *Parliamentary Papers*, 1868-9, VIII. p.70.

labourers took leave from their employment and gathered "in considerable numbers in and about public-houses and beer-shops and there waited to be bribed."⁸⁷

In some cases the practice of treating was widespread during an election campaign. The example has already been stated of Bradford, where £7,000 was spent to ensure the provision of 'refreshments' to all who promised their votes to the Liberal candidate, however during the same election a municipal candidate complained that "I heard of one man who took a very strong part against me, who hired a cab, and he had refreshments, both eating and drinking in this cab, and he took people to the poll in the cab, and refreshed them as he took them."⁸⁸ In Bristol 200 public houses were opened where treating occurred and "breakfast or beer given,"⁸⁹ and in Windsor the Town Clerk declared that "if you did away with the public-house system; which prevails now, it would relieve all municipal, and Parliamentary candidates also, from considerable expense."⁹⁰ The evidence revealed that although some treating occurred during the campaign, the greater part of the corruption was reserved for the polling day, and in some cases "voters went to the poll in a gross state of drunkenness, some of them so drunk as not to know for whom they came to vote."⁹¹

The Select Committee concluded that "The returns in the Appendix to the Report of the Select Committee on Parliamentary and Municipal Elections...show that both in the

⁸⁷*Ibid.*, p.572.

⁸⁸*Ibid.*, p.111.

⁸⁹*Ibid.*, p.223.

⁹⁰*Ibid.*, p.25.

⁹¹*Ibid.*, p.572.

former and in the last Elections various corrupt practices, of which bribery and treating were the chief, have prevailed, and to such an extent as to invalidate many Elections."⁹² And the Committee recommended that the use of public-houses for committee rooms should be 'forbidden by law.' Although the Committee concluded that the closure of public houses on the nomination day and polling day would 'tend to the tranquillity and purity of elections', no such recommendation was made because the Committee felt that "the inconvenience to the public generally of such a measure would be so great as to outweigh its advantages."⁹³

The introduction of secret ballot in 1872 did little to reduce the incidence of bribery and treating, and the corruption evident during the general elections of 1874 and 1880 revealed that many candidates were still willing to spend their money on bribes and 'refreshments' even though they could not be sure of a return. Bruce Kinzer writes that it was not "unreasonable for candidates to suppose that generous provisions of food and beer would evoke a favourable response at the poll from at least some of the beneficiaries of their largesse."⁹⁴ Indeed bribery and treating continued as the most significant forms of electoral corruption until the passage of the Third Reform Act and the disfranchisement of a large number of corrupt constituencies.

⁹²'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.4.

⁹³Ibid., p.7.

⁹⁴Kinzer, op cit., p.245.

Chapter Three

The Hartington Committee's inquiry created a body of evidence on the state of elections and electioneering in a number of English constituencies in the period immediately after the Second Reform Act. This evidence provides an insight into how the electorate in 41 English constituencies were reacting to the process of electoral reform. Certainly it appeared that in 1868, 36 years after the Great Reform Act, voters were still responding to the temptations of bribery and to the pressures of intimidation and coercion. The limited disfranchisement in 1867 failed to remove many corrupt boroughs, and Charles Seymour wrote that in those boroughs "most of them small but some of good size, the increase of the electorate [in 1867] did not...raise the tone of electoral morality."¹ It may also be concluded, on the basis of the evidence presented to the Committee, that in many cases the advent of any form of political modernisation, in the form of rational political debate, the growth of party allegiance and a focus on national as well as local issues, was severely retarded by the strength of pecuniary interests.

At the general election of 1868, in many of the smaller boroughs, the newly enfranchised voters proved not only to be susceptible to employee or landlord intimidation, but revealed themselves to be no less immune to the allurements of a bribe, or a free meal or drink in return for their votes, than had been the old voters. Indeed H.J.Hanham writes that "not only was there much intimidation of electors - notably in 1868 when the number of electors open to intimidation had been greatly increased - but there was widespread bribery and treating."² Two years after the

¹Seymour, C.(1970)., Electoral Reform in England and Wales 1832 - 1885., England: David and Charles Reprints. p.418.

²Hanham, H.J.(1971)., The Reformed Electoral System in Great Britain 1832 - 1914., London: The Historical Association. p.17.

Second Reform Act the Select Committee concluded that "great corruption prevails at municipal elections. In some boroughs it appears that a considerable class of voters will not vote unless they are paid."³ With regard to parliamentary elections the Committee concluded that "The evidence does no more than confirm what has been frequently established ... that both in former and in the last elections various corrupt practices, of which bribery and treating were the chief, have prevailed."⁴ The Select Committee took evidence, in the form of petition reports, written statements and witness testimony, from 41 English boroughs. The constituencies examined ranged in size from small boroughs, such as Bewdley with 1,043 electors, to large boroughs, such as Manchester with 48,256 voters on the register. The evidence included the reports and certificates from the 32 English election petition trials in 1868. Of the 32 petitions, 11 were declared void due to corrupt practices: constituting half of the total number of void or undue elections in 1868.⁵ The evidence reflects a broad sample of constituencies and they are categorised below according to their size:

English Boroughs Investigated by The 1868-9 Select Committee

10,000 + voters	- 12 boroughs	- 24 members
2,000 - 4,999 voters	- 17 boroughs	- 28 members
<u>0 - 1,999 voters</u>	<u>- 12 boroughs</u>	<u>- 19 members</u>
Total	- 41 boroughs	- 71 members

³'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.3.

⁴'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.4.

⁵The general election of 1868 resulted in 101 petitions: 22 were declared void or undue, 43 were upheld and 36 were withdrawn. Figures from Craig, F.W.S.(1977)., British Parliamentary Election Results 1832 - 1885, England: The Macmillan Press. p.631.

Most, if not all, the boroughs examined were corrupt to some extent, and 24 were listed by H.J.Hanham as containing 'corruptible elements'⁶. An analysis of the constituencies reveals that extensive corruption was predominantly the preserve of the smaller boroughs. Of the 32 petitions which were examined in 1868, 8 of those declared void were from constituencies with less than 10,000 electors and 19 were described as containing 'corruptible elements'. Only 3 petitions from boroughs with more than 10,000 voters were found void due to corrupt practices, 5 were listed as 'corruptible'. The bulk of the evidence used in this thesis is drawn from 21 boroughs which the Committee examined in detail, all of which were revealed to contain some form of corruption. The difference between the constituencies investigated can therefore be marked, not by the presence or absence of corrupt practices, but by degrees of corruption.

The great expansion of the electorate had done little to stem the tide of corruption in the boroughs. Charles Seymour wrote that "the new voters, mostly of the poorer classes, displayed enthusiastic alacrity in adapting themselves to the customs of their predecessors."⁷ In Bridgwater, one of the most corrupt boroughs of the post-reform period, the extension of the franchise had little effect on the level of corruption. The borough electorate was doubled in size by the Second Reform Act to 1,484, and a Royal Commission investigation in 1869, after the Select Committee uncovered extensive corruption there, revealed that "at every election since [1832] 75 per cent. of the constituency were 'hopelessly addicted' to giving or receiving bribes...bribery was the chronic disease of the borough."⁸ Many of the witnesses

⁶Hanham, H.J.(1978)., Elections and Party Management., Sussex: The Harvester Press. p.263.

⁷Seymour, *op.cit.*, p.419.

⁸O'Leary, C.(1962)., The Elimination of Corrupt Practices in British Elections 1868 -

examined during the inquiry believed that the state of corruption was worsening. In Liverpool 20 per cent. of the municipal electorate was described as 'decidedly purchasable', and in Nottingham one-third of the voters on the municipal register required payment for their votes. In Beverley 800 voters were bribed at the parliamentary contest in 1868, and in Windsor the municipal elections were entirely altered by the corruption of 50 or 60 voters; enough to decide the contest.

Martin Pugh wrote that "the exercise of influence was naturally marked in the election following immediately upon the 1867 Reform Act when large numbers of working men voted for the first time but under the old conditions of open voting."⁹ There was evidence in the Committee's report to suggest that in some cases the increase of intimidation and undue influence was mirrored by an increased awareness of the vulnerability of those at risk from such pressures. A witness from Bristol stated that "in a large number of instances men who are employed vote very much according to the opinion of their employers."¹⁰ While a general agent in Ashton-under-Lyne declared that "with the franchise being extended so widely, and so liberally now, working men require some protection to guard them in giving their votes."¹¹ Indeed in Staleybridge the fear of employee reprisals after the general election in 1868, prompted the creation of an 'Anti-Screw Association' - to which working-class voters subscribed "in order to support each other in case they should be discharged or

1911, Oxford: The Clarendon Press. p.53.

⁹Pugh, M.(1982)., The Making of Modern British Politics 1867 - 1939, England: Basil Blackwell Publishers Ltd. p.13.

¹⁰'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.224.

¹¹Ibid. p.104.

advantage should be taken in consequence of the manner in which they gave their votes."¹² Certainly their fears proved to be well founded, as the Association was maintained for 14 weeks after the election to support a number of men who were discharged following the election.

Evidence from Windsor revealed the calculated exercise of landlord intimidation. In one case 130 small cottages had been purchased 'simply for electioneering purposes' and the owner had evicted six and given notice to 20 "in consequence of the way they voted."¹³ Other forms of undue influence included mob intimidation and exclusive dealing. Electoral violence was a feature of the 1868 general election and in a number of cases an election was 'altered' by the action of organised mobs of 'roughs'. In Gravesend a mob entered the town on the polling day and smashed the windows of Conservative supporters, and prevented votes being polled against the Liberal party. In some cases the threat of a loss of custom prevented some voters from exercising their franchise. In Windsor a number of shopkeepers were prevented from polling because of a fear of "injuring their position with their employers."¹⁴ In Bristol many tradesmen abstained from voting from fear of results to their business, and customers in Ashton-under-Lyne chose their tradesmen "according to their political opinion."¹⁵

An important aspect of the Select Committee report is that it provides an insight into the way in which the public perceived electoral corruption. In many

¹²*Ibid.*, p.90.

¹³*Ibid.*, p.26.

¹⁴*Ibid.*, p.34.

¹⁵*Ibid.*, p.110.

boroughs public opinion was slow to condemn those involved in corrupt practices, and, especially at the municipal level, was even less supportive of moves to prosecute persons guilty of what were regarded as minor offences. Attempts to put the law into force to check corruption were frustrated by a combination of public apathy, the expense of legal proceedings, and the unpopularity encountered by those pursuing litigation. Evidence also emerged which suggested that at municipal elections a great deal of corrupt persons escaped punishment because of the lack of a public prosecutor whose task it would be to prosecute those guilty of corruption. And in a number of cases it appeared that 'respectable townspeople' refrained from pursuing legal action against corrupt persons because of a belief that it was someone else's business. In Windsor the Town Clerk expressed his opinion that "it is not every person's business to be called upon to prosecute a person for this offence, and to run the risk of not succeeding."¹⁶

Public opinion of electoral corruption can be distinguished from public opinion towards the prosecution of electoral offences by a general mood of apathy towards the latter once the election was passed. While many witness expressed their objections to the state of corruption in their constituencies, few were willing to sanction the pursuit of legal action once the contest had been decided. A witness from Ashton-under-Lyne blamed the lack of prosecutions against personation on the fact that "as soon as the election is over, whether it is the manly principle of Englishmen to forgive and forget I do not know, but they do not wish to prosecute them before the magistrates. There is the greatest reluctance on both sides to do it."¹⁷ In such cases 'manly forgiveness' may have been overshadowed by a wish to keep the case out of the election courts

¹⁶*Ibid.*, p.27.

¹⁷*Ibid.*, p.143.

"for fear that the constituency might be disfranchised."¹⁸ More commonly legal action was abandoned after the election in an effort to end any 'ill-feeling' in the borough. A witness from Bradford testified that "the feeling of the election having subsided, it is not thought desirable to go on with the prosecution."¹⁹ In Ashton-under-Lyne a case against persons for intimidation ceased after the prosecutors won the election, a witness told the Committee that "we had gained a victory, and consequently we rested satisfied with our gain."²⁰

Evidence emerged to reveal that in a number of constituencies there was little public shame attached to the payment of bribes. The Mayor of Nottingham declared that those who received a bribe were seen as corrupt, but stated that "I do not think that those who pay it are thought the worse of."²¹ Martin Pugh wrote that as late as 1883 it would have been 'optimistic' to believe that public attitudes to corruption had altered, and that "neither a politician guilty of corrupt practices nor a voter who took bribes were ostracised for what were regarded as minor peccadilloes."²² In Windsor there were many people who objected to the corruption in the borough, and yet "if they knew or suspected that a town councillor had been guilty of bribing the people, they would not taboo that man and stand aloof from him."²³ Public opinion and

¹⁸Hanham, *op cit.*, p.262.

¹⁹'Report from the Select Committee on Parliamentary and Municipal Elections,' *Parliamentary Papers*, 1868-9, VIII. p.112.

²⁰*Ibid.*, p.104.

²¹*Ibid.*, p.4.

²²Pugh, *op cit.*, p.11.

²³'Report from the Select Committee on Parliamentary and Municipal Elections,' *Parliamentary Papers*, 1868-9, VIII. p.47.

outcry against corruption were mitigated at the municipal level by the expense of legal action and the ineffectiveness of the law when it was enforced. In Leeds the level of bribery at the municipal level had become a 'public scandal' and an attempt to unseat a councillor for corruption was made. However the proceedings ended due to the expense of the matter, and the councillor retained his seat even though he had been convicted of corrupt practices in the county court.

In many cases the influence of party spirit was moderated by the exercise of corrupt practices, and elections were won by the payment of votes rather than partisan support. Certainly that side which attempted to conduct an election 'purely' was invariably defeated. In Blackburn the party which had adopted such a position "had always lost the election,"²⁴ while in Bristol the Liberals had 'exhorted' the Conservatives to contest the election without recourse to corrupt methods. The Conservatives refused and the election was 'carried' by bribery, treating and personation. In some boroughs the fact of a majority of party support did not always ensure electoral success. In Liverpool the Liberals had a 'decided advantage' over the Conservatives, but had lost every election since they had stopped paying bribes. Similarly in Windsor the majority of voters were described as being of 'one political complexion', and that was "regularly altered by the payment of money."²⁵

In their study of the growth of political modernisation in England, John Phillips and Charles Wetherell argue the importance of the "new view of principle and principled behaviour that the parties in Westminster imposed on local politics after 1832,"²⁶ and

²⁴*Ibid.*, p.129.

²⁵*Ibid.*, p.23.

²⁶Phillips, J.A. and Wetherell, C.(Ed's), "The Great Reform Act of 1832 and the Political Modernization of England." *American Historical Review*, 100, 2, (April

conclude that the 'central tendency' in English electoral behaviour after 1832 was that "voters became consistent partisans."²⁷ The Hartington Committee revealed that in almost one-third of English boroughs after 1867 the forces of corruption and intimidation still exerted an influence over the electoral process. In these mostly small boroughs the pace of political modernisation was slowed by the exercise of corrupt influence. Richard Davis wrote that "men voted according to where immediate advantage seemed to lie,"²⁸ Certainly the evidence contained in the Select Committee's report indicates that in the smaller English constituencies voter behaviour was motivated more by self-interest than by political principles.

1995), p.425.

²⁷*Ibid.*, p.435.

²⁸Davis, R.(1972)., Political Change and Continuity 1760 - 1885., England: David and Charles. p.222.

Conclusion

The evidence included in the Select Committee Report has often been used in relation to the Secret Ballot Act, or to provide examples of corruption at parliamentary and municipal elections. However, what has not been done is to examine the Report as a whole in order to understand how the mid-Victorian electorate was functioning in the period immediately after the Second Reform Act. Other information besides that relating to secret ballot was examined by the Select Committee, and the impact of that evidence on the process of electoral reform was significant.

Included in the Report were a number of proposals concerning such issues as: the use of paid agents and canvassers, the use of rooms in public-houses, the multiplication of polling booths, the abolition of the declaration of the poll, the use of voting papers and the law concerning compensation for damage done to property during an election. The Select Committee recommended that some other form of conducting the declaration of the poll be established, as a means of avoiding a great deal of disorder which attended the ceremony. The proposal to prohibit the use of paid agents and canvassers was not recommended even though the Committee concluded that "the employment of paid agency is sometimes carried to an unreasonable and improper extent, so as in some cases to assume a corrupt character."¹

The Committee believed that it would be impossible to completely abolish the use of paid agents, and that enforcement of such a policy would be even more difficult. Regarding the use of voting papers the Committee considered their use to be an aggravation to the "present system by the facilities which they would give for bribery,

¹'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1870, VI. p.4.

for fraud and for certain forms of intimidation."² The Committee considered that the multiplication of polling places, primarily in the counties, would reduce the cost of elections by obviating the need for conveyance of voters. The evidence relating to electoral violence and rioting prompted the Committee to recommend alterations to the existing law concerning the recovery of compensation for damage done to property during an election. The Report also proposed that the use of public-houses for committee-rooms be abolished because such practice was "a fruitful source of expense and corruption, and should be forbidden by law."³

The Select Committee Report revealed that in the smaller boroughs the English electorate was responding slowly to the process of electoral reform. In many cases an election was accompanied by a considerable amount of drinking which, if it did not lead to disorder, was described as 'demoralising' to the town. Electoral violence was a feature of many English boroughs, and a number of examples of politically motivated mob violence were presented to the Committee. It was further revealed that in many constituencies during an election large amounts of money were corruptly expended, and that political considerations were frequently mitigated by the influence of bribery and treating.

For the majority of the nineteenth-century English population who were excluded from the electoral process, an election provided an opportunity to participate in the political dynamic of the nation. Traditional election ceremonies, such as the nomination day and the declaration of the poll "afforded the disenfranchised their most powerful role."⁴ Certainly the Committee's findings revealed a high degree of public

²Ibid., p.7

³Ibid.

⁴Vernon, J.(1993)., Politics and the People: A Study in English Political Culture 1815 - 1867., Great Britain: Cambridge University Press. p.158.

participation at elections, characterised by large, enthusiastic crowds at the nomination ceremony and the declaration of the poll. At the poll the non-electors were able to "monitor the votes of their enfranchised neighbours and, in doing so, to entertain themselves at their expense,"⁵ and through verbal or physical intimidation were further able to exercise their own influence over proceedings.

The impact of the Select Committee recommendations, specifically as embodied in the Secret Ballot Act, was significant in altering the tone of elections rather than the level of corruption. In May 1870 the Marquis of Hartington introduced the Parliamentary Elections Bill into the House of Commons which was "founded mainly, but not entirely, on the recommendations of the Select Committee."⁶ Significantly the Bill did not address corruption at municipal elections, and Hartington stated that the subject of municipal corruption required a Corrupt Practices Act 'to be specially framed for itself.' The main provisions of the Bill concerned public nominations and secret voting. The use of voting papers was dismissed as was the subject of multiplying the number of polling booths, and Hartington concluded that "there are at present ample powers in the hands of the magistrates to increase the number of polling places."⁷

No second reading was taken on the Parliamentary Elections Bill and the legislation lapsed until February 1871, when W.E.Forster introduced the Elections (Parliamentary and Municipal) Bill. Importantly the legislation included a provision for the payment of official election expenses by the constituency, rather than the

⁵Ibid., p.92.

⁶Hansard 3, Vol.201, 9 May 1870, col.431.

⁷Ibid., col.437.

candidate. Furthermore the issue of nomination procedure was extended to municipal elections. However the Bill was adjourned after its second reading, and it would not be until the passage of the Secret Ballot Act⁸ in 1872 that the recommendations of the Select Committee would be embodied in legislation.

Although the Secret Ballot Act failed to reduce the incidence of bribery and treating at the 1874 and 1880 general elections, the provisions of the 1872 Act, including the abolition of public nominations and alterations to the polling procedure, dramatically altered the tone of elections. Bruce Kinzer wrote that the new polling procedures "greatly diminished the din and disorder which had become so much a part of the electoral landscape during the eighteenth and nineteenth centuries."⁹ Certainly the multiplication of polling places and the fact that the disenfranchised were now restricted from the polling areas, reduced the opportunity for the non-electors to 'flex their political muscles.' And Charles Seymour wrote that "the excitement and riots which had characterised the open nomination and polling were largely eliminated and the factor of violence disappeared almost entirely from electoral contests."¹⁰

The 1868-9 Select Committee on Parliamentary and Municipal Elections, although primarily an examination of the methods of secret voting, provides a glimpse into the world of the mid-Victorian elector in one-third of the English boroughs. A world

⁸Royal assent was given to the Parliamentary and Municipal Elections Bill in July 1872: the legislation comprised a Ballot Bill and a Corrupt Practices Bill. Both bills passed through the House simultaneously and may be regarded as one. Haines, B.(1968)., The Passing of the Secret Ballot Act 1869 - 1872., Unpublished Honours dissertation: University of Western Australia. p.6.

⁹Kinzer, B.L.(1982)., The Ballot Question in Nineteenth Century English Politics., New York: Garland Publishing Inc. p.246.

¹⁰Ibid., p.432.

where the electoral process was still dominated by the forces of coercion and intimidation, and where the pace of political modernisation was significantly slower than in many larger, industrialised constituencies. Certainly the evidence gathered by the Committee revealed that the Second Reform Act had little direct impact on the level of corruption in these boroughs, other than to decrease the price of votes because there were more voters willing to sell them.

In 1869 the Select Committee was appointed to "inquire into the present modes of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity and freedom."¹¹ Considering this the Committee might be awarded qualified success. As has been seen the advent of secret ballot, one of the most consistent recommendations of the Committee, and alterations to the polling procedure, had marked success in reducing the temper of elections. Furthermore the Act had an important effect on the exercise of undue influence as "the elector who understood that the Act effectively secured the secrecy of his ballot could vote as he pleased, without fear of injury to himself."¹² The 'purity' of elections was however not achieved in 1872, and the ballot did little to reduce the levels of bribery and corruption at the 1874 and 1880 general elections.

¹¹'Report from the Select Committee on Parliamentary and Municipal Elections,' Parliamentary Papers, 1868-9, VIII. p.xi.

¹²Kinzer, op.cit., p.246.

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